REMARKS

Reconsideration is respectfully requested in light of the foregoing amendments and remarks that follow.

Claims 1, 4, and 6-7 are pending. Claim 1 has been rewritten to improve its readability. Claims 2 and 3 have been canceled. The subject matter of claim 3 has been included in claim 1, as amended. Claim 4 has been rewritten so that it is independent form. Claim 5 has been canceled.

The objection to claims 4-7 has been addressed by this amendment. The typos have been removed. The dependency issue relative to claim 5 has been avoided by its cancellation.

The objection to the drawings is noted. Conforming drawings will be submitted upon an indication of allowable subject matter.

Claims 1 and 5-7 are rejected under 35 U.S.C. 102 (b) as anticipated by Mangold et al. (U.S. Patent No. 6,328,944). Applicants respectfully traverse. Applicants respectfully traverse.

For a reference to be anticipatory it must teach each and every element of the claim.

Claim 1, upon which claims 6-7 depend (claim 5 has been cancelled), has been amended to require that the silicone rubber be liquid silicone rubber (LSR).

Mangold et al does not teach or mention LSR. Apparently, the Examiner is also in agreement since claim 3 which was directed to LSR was not included in this rejection.

Withdrawal of the rejection is respectfully requested in light of the amendments to claim 1.

Claim 3 is rejected under 35 U.S.C. 103(a) as being obvious over Mangold et al. as applied to claim 1, and further in view of Azechi et al (U.S. Patent No. 6,331,588). Applicants respectfully traverse.

Claim 3 has been cancelled and its subject matter has been included in claim 1, as amended.

Mangold et al describes the production of fumed silica doped with potassium in example 5.[1] In col.3, starting at line 26, Mangold et al. states that the pyrogenically prepared oxides of metals and/or nonmetals, doped according to their invention, "can be used as fillers, as support materials, as catalytically active substances,..., as additives in the silicone and rubber industry, to adjust the rheology of liquid systems,, for heat-resistant stabilization, ... and the like."

It appears that the Examiner is relying on this "general" teaching of a use in silicone and rubber industry as a generic teaching of "silicone" and then asserts it would have been obvious to select LSR as the silicone. (The teaching relied upon is not a generic teaching which embraces the claimed product. It is the mere listing of one possible use amongst many.)

It appears that the Examiner is relying on Azechi et al. for a teaching of the existence of LSR. Therefore, it provides a sufficient teaching to aid in the selection of LSR more certain as the silicone and rubber industry additive "to adjust the rheology of liquid systems, for heat stabilization purposes".

Azechi et al. describe an addition curing type liquid silicone rubber composition comprising an addition organopolysiloxane and reinforcing silica which can be fumed silica, precipitated silica or fired silica. Azechi et al. do not describe the use of potassium doped silica. The silica Azechi et al. prefers are surface treated silica fines. There is no teaching of the use of potassium doped silica to lower viscosity or a lower Williams plasticity or a even disclosure of this property relative to the surface treated silica fines. The properties associate with the Azechi et al composition are extended pot life and the prevention of thickening. See col.1 at lines 40-45. These properties on their face do not appear to relate to the Mangold et al. additives which are

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[1] The product shown in Example 5 has a BET-surface of 199m^2. The experimental conditions for its preparation are summarized in Table 1. The characteristics of various products including that of Example 5 are listed in Table 2. (No other product parameters for the Example 5 product are given.) The preparatory method shown in example 5 of Mangold et al. differs from that in the examples of the instant specification. For example, the preparatory method of the instant invention uses additional oxygen while Mangold et al. dos not. The reagent amounts, e.g. hydrogen, $SiCl_4$ air, appear to differ also.

According to Applicants' Example 1 (the VP 3739), a fumed silica doped with potassium is produced which has a BET-surface of 107 m^2/g and no DBP-adsorbtion (see Table 4 on page 17; note published application after paragraph 79). According to Applicants' Example 2 (3650), a fumed silica doped with potassium is produced which has a BET-surface of 127 m2/g and no DBP-adsorption (see table 4 on page 17; note published application after paragraph 79).

As best as the "filler" products can be compared, they appear to differ as do their methods of preparation.

employed "to adjust the rheology of liquid systems, for heat stabilization purposes". The full teaching of Azechi et al does not appear to guide one to the selection of LSR.

Further, in the evaluation the sufficiency of the prima facie case, the consideration of the properties imparted to LSR should be seen as rebutting a proper prima facie case, e.g. the potassium doped silicas show in LSR-silicone rubber a flowable formulation (see page 19, line 23 to page 23) due to lower viscosity. Further, the LSR-silicone rubber of the invention show lower values of tensile strength, tear-growth resistance and hardness. Further, the silicone rubbers of the invention are more transparent.[2]

Withdrawal of the rejection is respectfully requested since a proper prima-facie case has not been made.

Claims 4 is rejected under 35 U.S.C. 103(a) as being obvious over Mangold et al. as applied to claim 1 and further in view of Itoh et al. (U.S. Patent No. 4,755,554). Applicants respectfully traverse.

The Mangold et al is discussed above.

As above, it appears that the Examiner again is relying on this "general" teaching of a use in silicone and rubber industry as a generic teaching of "silicone" and then asserts it would have been obvious to select HTV as the silicone. (Again, the actual teaching relied upon is not a generic teaching which embraces the claimed product.)

It appears that the Examiner is relying on Itoh et al. for a teaching of the existence of HTV.

Itoh et al. (U.S. Patent No. 4,755,554) describes a silicone rubber composition suitable for hot-air vulcanization under normal pressure containing fumed silica. Itoh et al. do not describe potassium doped silica or its use in HTV-silicone rubber. Itoh et al do not describe a lower Williams plasticity which results from the silica-type they employ.

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[2] Attention is directed to page two of the specification starting at line 3 where it is indicate that the low-structure fumed silica imparts to silicone rubber decidedly novel properties- markedly lower viscosity and flow limits. More explanation is found on page 6 starting at line 31. See also Tables 6, 7a and 7b. These results are unexpected from the art relied upon. It is not clear why the Examiner would not find the claims commensurate with these results.

It is not seen how the teaching of Itoh et al. would guide one with more specificity to the selection of HTV based on the general Mangold disclosure of potential uses in the Silicone and Rubber industry.

Further, in the reconsideration of the sufficiency of the prima facie case, the lower Williams plasticity values obtained by the invention (see pages 7 to 8) should be considered. Further, the HTV-silicone rubbers of the invention employ the silica according to examples 3 and 4. These silicas are not described in Mangold et al. Relative to the lower Williams plasticity values obtained by the invention, there is no reason provided in the Office Action as to why these values would have been expected based on the art relied upon.

Claim 7 is rejected under 35 U.S.C. 103(a) as being obvious over Mangold et al. as applied to claim 1. Applicants respectfully traverse.

Claim 1 upon which claim 7 depends has been amended to include the limitations of claim 3. Claim 1 as amended is now limited to LSR as the silicone. There is no teaching of LSR within Mangold et al. Examiner recognizes this and employed a second reference to reject the subject matter of claim 3.

Since a proper prima facie case has not been established as to amended claim 1, withdrawal of the rejection is respectfully requested.

Having addressed the each of the rejections and objections set forth in the Office Action, the application is believed to be in condition for allowance for the reasons set forth above and a notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Respectfully submitted,

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